

Order

**Michigan Supreme Court
Lansing, Michigan**

December 21, 2005

Clifford W. Taylor,
Chief Justice

ADM File No. 2004-22

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendments of
Rules 7.203 and 7.209
of the Michigan Court Rules

On order of the Court, the following corrections of Rules 7.203 and 7.209 of the Michigan Court Rules are made, effective January 1, 2006.

[The present language is amended as indicated below.]

Rule 7.203 Jurisdiction of the Court of Appeals

(A) Appeal of Right. The court has jurisdiction of an appeal of right filed by an aggrieved party from the following:

- (1) A final judgment or final order of the circuit court, or court of claims, as defined in MCR 7.202~~(7)~~(6), except a judgment or order of the circuit court
 - (a) on appeal from any other court or tribunal;
 - (b) in a criminal case in which the conviction is based on a plea of guilty or nolo contendere;

An appeal from an order described in MCR 7.202~~(7)~~(6)(a)(iii)-(v) is limited to the portion of the order with respect to which there is an appeal of right.

- (2) A judgment or order of a court or tribunal from which appeal of right to the Court of Appeals has been established by law or court rule;

(B)-(G) [Unchanged.]

Rule 7.209 Bond; Stay of Proceedings

(A)-(D) [Unchanged.]

(E) Stay of Proceedings by Trial Court.

- (1) Except as otherwise provided by law or rule, the trial court may order a stay of proceedings, with or without a bond as justice requires.
 - (a) When the stay is sought before an appeal is filed and a bond is required, the party seeking the stay shall file a bond, with the party in whose favor the judgment or order was entered as the obligee, by which the party promises to
 - (i) perform and satisfy the judgment or order stayed if it is not set aside or reversed; and
 - (ii) prosecute to completion any appeal subsequently taken from the judgment or order stayed and perform and satisfy the judgment or order entered by the Court of Appeals or Supreme Court.
 - (b) If a stay is sought after an appeal is filed, any bond must meet the requirements set forth in subrule 7.209(F).
- (2) If a stay bond filed under this subrule substantially meets the requirements of subrule (F), it will be a sufficient bond to stay proceedings pending disposition of an appeal subsequently filed.
- (3) The stay order must conform to any condition expressly required by the statute authorizing review.
- (4) If a government party files a claim of appeal from an order described in MCR 7.202~~(7)~~(6)(a)(v), the trial court shall stay proceedings regarding that party during the pendency of the appeal, unless the Court of Appeals directs otherwise.

(F)-(I) [Unchanged.]

Staff Comment: The amendments of MCR 7.203(A) and 7.209(D), effective January 1, 2006, recognize numbering changes in MCR 7.202.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 21, 2005

Corbin R. Davis

Clerk